

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

LIDDLE & ROBINSON, L.L.P.,

Case No. 19-12346-shl

Debtor.

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**CONFIDENTIALITY AGREEMENT AND STIPULATED
PROTECTIVE ORDER REGARDING COUNSEL
FINANCIAL'S SUBPOENA DUCES TECUM**

Upon (i) the motion of Liddle & Robinson, L.L.P., as debtor and debtor-in-possession (the “Debtor” or the “Firm”) for entry of interim and final orders pursuant to 11 U.S.C. §§ 105, 361, 362, 363 and 507, Rules 2002, 4001 and 9014 of the Federal Rules of Bankruptcy Procedure (1) authorizing use of cash collateral, (2) granting adequate protection, (3) modifying the automatic stay, and (4) scheduling a final hearing dated July 22, 2019 (the “Motion”); (ii) the response and objections by Counsel Financial II LLC, LIG Capital LLC, and Counsel Financial Holding LLC (collectively “Counsel Financial”) dated July 29, 2019 to the Debtor’s first day motions including the Motion; (iii) the subpoena *duces tecum* issued by Counsel Financial in connection with the Motion (the “Subpoena”) seeking the production of the following documents: (i) List of cases of Liddle & Robinson, L.L.P. as of July 22, 2019 (the “List of Current Cases”); and (ii) List of cases of Liddle & Robinson, L.L.P. that was shown briefly by Jeffrey Liddle to Pierce Bainbridge, as testified to by Jeffrey Liddle at his §341(a) meeting of creditors (the “PB List of Cases”); and the Debtor having filed an objection to the Subpoena; and the parties having had a “meet and confer” in an effort to resolve the Debtor’s objections, but having failed to reach an agreement; and the Court having held a telephonic conference, on September 5, 2019, which was attended by attorneys for both Counsel Financial and the Debtor, as well as counsel for the United States Trustee; and

counsel for the Debtor having advised the Court that the PB List of Cases is comprised of more than one list, and counsel for the Debtor having advised the attorneys for Counsel Financial that there is no List of Current Cases; and after due deliberation; and good and sufficient cause appearing therefor, it is hereby;

ORDERED, that within one (1) business day after entry of this Order and the signing of the undertaking by counsel to Counsel Financial, in the form attached hereto as **Exhibit A** (the “Undertaking”), the Debtor shall deliver to David Wander, Esq., at Davidoff Hutcher & Citron LLP (the “Firm”), attorneys for Counsel Financial, the PB List of Cases (the “Protected Information”), on a “highly confidential-attorneys’ eyes only” basis, whereby the Protected Information may be reviewed only by the Firm’s attorney’s, paraprofessionals and staff working under the supervision of the Firm’s attorneys. For the avoidance of doubt, the Protected Information, including all information contained therein, shall not be provided to Counsel Financial or any of its employees, agents, representatives or contractors. Any disclosure of Confidential Information to Counsel Financial, inadvertent or otherwise, shall be disclosed to the Debtor.

ORDERED, that prior to viewing any Confidential Information, each attorney and/or employee of the Firm that seeks to view such Confidential Information shall sign and return to counsel for the Debtor the Undertaking. **ORDERED**, that, upon request, the U.S. Trustee shall be provided with access to all Confidential Information. For purposes of this Order, the U.S. Trustee includes his Assistants, agents and employees as well as anyone else employed by the U.S. Trustee Program and the Executive Office for U.S. Trustees.

ORDERED, that the Firm and Counsel Financial, and any of their employees, agents, representatives or contractors, are prohibited from contacting any clients of the Debtor listed within the PB List of Cases. Upon receipt of the PB List of Cases, the Firm shall promptly, and no later than seven (7) business days thereafter, notify the Debtor with respect to its representation of any defendant identified on the PB List of Cases.

ORDERED, that the Debtor may redact any client identifying information contained within the PB List of Cases concerning whistleblower cases consistent with statutory protections afforded to anonymous whistleblowers.

ORDERED, that the Firm may file the Confidential Information with the Court under seal, so long as, the Firm contemporaneously files a motion for this relief under 11 U.S.C. § 107, on notice and with an opportunity for all parties, including the U.S. Trustee, to be heard; and it is further

ORDERED, that this Order may be amended upon further application by Counsel Financial or the Debtor upon reasonable notice to the other party and the U.S. Trustee.

Dated: New York, New York
October 30, 2019

/s/ Sean H. Lane
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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**APPLICATION FOR ACCESS TO “HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES
ONLY” INFORMATION UNDER PROTECTIVE ORDER**

1. I, _____, hereby apply for access to protected information designated “HIGHLY CONFIDENTIAL” under the Confidentiality Agreement And Stipulated Protective Order Regarding Counsel Financial’s Subpoena Deuces Tecum (the “Protective Order”) issued in connection with this proceeding.
2. I am an attorney/staff member with the law firm of Davidoff Hutcher & Citron LLP which has been retained to represent Counsel Financial II LLC, LIG Capital LLC, and Counsel Financial Holding LLC, parties to this proceeding.
3. I have read the Protective Order. I will comply in all respects with that order and will abide by its terms and conditions in handling any protected information produced in connection with the Protective Order.

By my signature, I certify that, to the best of my knowledge, the representations set forth above are true and correct.

Signature

Date Executed

Typed Name and Title

Telephone & Facsimile Numbers

E-mail Address